



STATE OF DELAWARE

PUBLIC SERVICE COMMISSION
861 SILVER LAKE BLVD.
CANNON BUILDING, SUITE 100
DOVER, DELAWARE 19904


TELEPHONE:
(302) 736-7500

FAX:
(302) 739-4849

May 23, 2018

MEMORANDUM

TO: The Chair and Members of the Commission

FROM: Shona Marshall, Public Utility Analyst 

SUBJECT: IN THE MATTER OF THE APPLICATION OF MUIRFIELD ENERGY, INC. FOR A CERTIFICATE TO PROVIDE ELECTRIC SUPPLY SERVICES WITHIN THE STATE OF DELAWARE (SUBMITTED FEBRUARY 20, 2018; FILED APRIL 30, 2018) - PSC DOCKET No. 18-0059

Background

On January 24, 2018, Muirfield Energy, Inc. (the "Company" or "Muirfield") submitted an application (the "Application") with the Delaware Public Service Commission (the "Commission") for an Electric Supplier Certificate ("ESC") to broker electricity in the State of Delaware pursuant to § 1012 of the Electric Utility Restructuring Act of 1999, 26 *Del. C.* §§ 1001 - 1020 (the "Act") and 26 *Del. Admin. C.* § 3001, the Commission's Rules for Certification and Regulation of Electric Suppliers (the "Supplier Rules").

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Application

The Company's original filing was submitted on January 24, 2018, but the submitted Application did not meet the minimum filing requirements ("MFR's"). In a letter dated February 28, 2018, Commission Staff ("Staff") requested the Company submit documents regarding its authority to do business in the State of Delaware, resident agent, the corporate structure, a description of service, commission orders for Muirfield's licensed operations in other jurisdictions, and proprietary information. The Company responded with two submissions dated March 28, 2018 and April 16, 2018. Staff sent a second request of information on April 20, 2018, related to the Company's authority to do business in Delaware and the proprietary information submitted March 28, 2018. The Company's response dated May 8, 2018 satisfied the requirements of the MFR's.

Review and Analysis

Authority to do Business in Delaware

The Company is a corporation formed in the State of Ohio. The Company provided proof issued by the Delaware Secretary of State that it is legally authorized and qualified to do business in the State of

¹ Unless otherwise noted, all references to capitalized terms are set forth in the Act and/or the Supplier Rules.

Delaware. The Delaware certificate of good standing was issued May 4, 2018. The current Delaware business license was issued March 6, 2018 and is valid from May 1, 2018 through December 31, 2018.

Resident Agent

The Company supplied the contact information for a Delaware Registered Agent listed in the Application as InCorp located at 919 N. Market St. Suite 425, Wilmington, DE 19801.

Compliance with Regional Requirements

The Company agreed to work only with an entity that complies with PJM's requirements and is a certified electric supplier in Delaware.

Financial, Operational, Managerial and Technical Ability

The Company provided a copy of its Balance Sheet as of December 31, 2017 and December 31, 2016. The Company also provided a statement of revenues and expenses and retained earnings for the years ended December 31, 2017 and December 31, 2016 as indicia of financial capability under Section 2.2.16.2 of the Supplier Rules in its initial Application. Staff has reviewed the financial statements and the Company has satisfied the requirements of the Supplier Rules for purposes of brokering electric supply services in the State of Delaware.

The Company anticipates serving Residential, Small Commercial, Large Commercial, and Industrial customers throughout the State of Delaware. The Company's Application states that it is currently licensed in the states of Illinois, Ohio, New Jersey, Pennsylvania, Maryland, Michigan, Texas, and New York to broker electric supply services. Muirfield also brokers natural gas services in Ohio, Pennsylvania, Maryland, Florida, Michigan, and New York.

The Application included a summary of experience and qualifications for Perry S. Oman. Mr. Oman has been the owner and operator of Muirfield since February 2009. He possesses over 22 years of managerial experience and experience in the energy sales industry.

Surety Bond

The Company did not post a surety bond because there are no service agreements between the Company and any Delaware Electric Distribution Company.

Verification of Application

The Application and subsequent filings to the Application contained a signed sworn verification of application with the signature of Frank Warner.

Consent to Jurisdiction

The Company consents to the jurisdiction of the Delaware courts.

Contracts

The Company has not submitted copies of customer contracts because it will operate as a broker. The Company did submit marketing materials intended to be used in the State of Delaware.

Statement of Criminal Activity

The Applicant stated that it has not been charged or convicted of any criminal activity nor has any of its principals or corporation offices. An internet review of the Company and its principals did not return any incidents of criminal activity.

Legal Review

Staff submitted this Memo for review by the Attorney on May 29, 2018.

Staff Recommendation

Based on Staff's review and analysis of the Application, the Company has satisfied the requirements of the Act and the Supplier Rules. The completed Application supports the Company's request for certification. Staff's review and analysis of the Application demonstrates substantial evidence of capability to render service based on the Company's financial, operational, managerial and technical abilities. Therefore, Staff recommends the Commission approve the Application.